

Exhibit 85

Subject: Re: one more phasing question

Date: Thursday, July 20, 2006 9:59 AM

From: Andrea Gaut <andreag@bcdcc.ca.gov>

To: Mark Sanders MSandHILL@aol.com, Hurley@bmsdesigngroup.com, Pete@BohleyConsulting.com

Cc: Smiley@bmsdesigngroup.com, Brad McCrea bradm@bcdcc.ca.gov

Mark and Tim,

I agree with all of Mark's comments below. Mark, I don't think we will need to add any detail about the design of the fence into the permit, but I will check.

Thanks and glad to see we are making progress!

Andrea

On 7/19/06 7:12 PM, "MSandHILL@aol.com" <MSandHILL@aol.com> wrote:

Hi again Tim,

Its a very good question, and I am copying Andrea at BCDC because it may be something we should reconsider.

The permit requires chainlink fence in two places: (1) along the eastern end facing a tidal area that adjoins the project, and (2) along the southern end facing Cargill Salt for a visual barrier. But it seems no one likes the idea of chainlink fence, including Clyde Morris at USFWS. Its ugly and is a barrier to seeing very nice wetlands up close. It certainly would not be the "open, useable and inviting" feeling envisioned in the BCDC permit.

With respect to the Cargill border, the permit calls for a "visual barrier" between the marina and the salt pond, which can be a fence, or a setback and landscaping. We are expanding the buffer (setback) between the marina and Cargill, and together with the landscaping it now satisfies the permit without a fence. The adjacent pond is no longer used by Cargill for salt production and a fence would only serve to accumulate leaves and be an eyesore.

I recently installed "restricted access--wildlife refuge" signs all around Greco Island and put them on the wetlands next to the marina too. Together with the rip rap its a pretty good deterrent, and there is a water channel in most areas and the rest is mud and Pickleweed so its unlikely anyone will venture out in this area. I believe the less obtrusive net fence that you, Brad and Andrea discussed would serve, and be far more friendly. Andrea, if you agree with this, you may want to add it to the amendment.

In any event, its part of Phase 1B, because this are will not be opened up until then.

mark

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